



U.S. DEPARTMENT of STATE

Morocco

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

Morocco is a constitutional monarchy with an elected parliament; however, ultimate authority rests with the King, Mohammed VI, who presides over the Council of Ministers, appoints or approves members of the Government, and may, at his discretion, terminate the tenure of any minister, dissolve the parliament, call for new elections, and rule by decree. The bicameral legislature consists of a lower house, the Chamber of Representatives, which is elected through universal suffrage, and an upper house, the Chamber of Counselors, whose members are elected by various regional, local, and professional councils (members of whom are elected directly). The lower house of parliament also may dissolve the Government through a vote of no confidence. In September 2002, the country held parliamentary elections for the lower chamber that were widely regarded as free, fair, and transparent. In September 2003, elections were held for local government councils. The elections were widely recognized as well administered; the Government limited the participation of the Islamist Party of Justice and Development (PJD). The Constitution provides for an independent judiciary; however, it remained subject to government influence and corruption. The Government abolished the Ministry of Human Rights in a June cabinet reshuffle and folded human rights responsibilities into the Ministry of Justice.

The security apparatus includes several overlapping police and paramilitary organizations. The National Police (DGSN), the National Intelligence Service (DST), and the Auxiliary Forces are departments of the Ministry of Interior. The Royal Gendarmerie reports to the Ministry of Defense. The Department of Royal Security reports to the Palace. Civilian authorities maintained effective control of the security forces. Some members of the security forces continued to commit serious human rights abuses.

The market-based economy was led by a sizable services sector with a strong tourism component, a growing manufacturing sector, a diverse agricultural and fisheries sector, and large phosphate reserves. The population was approximately 28.9 million. Citizens working abroad were a source of substantial remittances. Overall, the gross domestic product was expected to increase by 5.3 percent, and inflation by 1.9 percent for the year. One in five citizens lived in poverty.

Although progress continued in some areas, the human rights record remained poor in other areas. Citizens lacked the full ability to change their government. While citizens may elect representatives to Parliament and to municipal and regional councils, the King has discretionary authority to appoint and dismiss the Prime Minister, and Cabinet, and to dissolve Parliament. The Constitution may not be changed without the King's approval. Since the May 2003 terrorist attacks in Casablanca, authorities detained several thousand persons for possible involvement with terrorist groups and sentenced more than 400. In May 2003, an antiterrorist law passed by the Parliament, very broadly defined terrorism as an act or acts intended to create fear and discord in society and threaten its safety. During the year, there were specific charges by Human Rights Watch (HRW) of torture, mistreatment, and denial of rights during the judicial process of detainees in the aftermath of the May 2003 terrorist attacks. The Government generally rejected these allegations. Impunity remained a problem. Human rights groups did not believe that the Government disclosed all the information available about citizens who were abducted from the 1960s through the 1980s. At times, authorities arbitrarily arrested and detained persons. Authorities infringed on citizens' privacy rights. Prison conditions remained extremely poor. The judiciary lacked independence and was subject to government influence and corruption. While there was considerable freedom of the press, journalists regularly practiced self-censorship, and two were sentenced to prison and remained in prison at year's end. The police violently dispersed several peaceful demonstrations during the year. The Government generally respected freedom of religion; however, there were some limitations. Violence and societal discrimination against women were problems. The protection of unaccompanied, repatriated children was a problem. Trafficking in persons remained a problem. Child labor was a problem, principally the practice of the illegal employment of young girls who were subjected to exploitative domestic servitude.

In January, the Parliament approved a new Code of Family Law to improve the status of women and children. Authorities implemented the reforms throughout the year.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In 2003, according to human rights groups and press reports, several detainees died in police custody with little or no serious investigation into the circumstances. There were no further developments in the cases of Abdelhaq Bentasser, Mohamed Bouannit, and Driss Dida.

b. Disappearance

There were no new cases of confirmed disappearances. During the year, there were no further developments in the case of Mohamed Damir, who disappeared after the May 16, 2003 attacks.

The Moroccan Association for Human Rights (AMDH) continued to claim that the practice of incommunicado detention without informing family members of those detained confirmed the persistent practice of forced disappearance (see Section 1.d.). According to a June report by Amnesty International (AI), the DST practice was to deny holding the person in question, particularly those held in the DST detention center in Temara. In such cases, family members and lawyers usually learned of the detention after the detainee was brought before a magistrate, charged, and placed in pretrial detention; in this context, the secret detention amounted to a period of disappearance.

The forced long-term disappearance of individuals who opposed the Government and its policies occurred during several decades. In 1997, the Government pledged that such activities would not recur, and that it would disclose as much information as possible about past cases. Authorities stated that they released information on all 112 confirmed disappearance cases. However, human rights groups and families continued to claim cases of disappearances, many from the Western Sahara. Associations that sought information regarding those who have disappeared called upon the Government for full disclosure of events surrounding cases that date back to the 1960s.

In January, an Equity and Reconciliation Commission (IER) began work to settle definitively serious violations of human rights, including compensation for all outstanding cases of arbitrary detention and disappearance, prior to the King's assumption of the throne in 1999. The IER organized public hearings on torture and disappearances, which began on December 21 in Rabat. The IER compiled 22,000 complaints and interviewed petitioners at the rate of 5 per day as part of a process to catalogue the full range of abuses and to determine compensation. The IER also organized a range of activities including visits to former secret detention centers, to villages where a number of inhabitants were persecuted, and seminars for the public, academics, and journalists on literature, covering state violence, written by former prisoners (see Section 4).

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The law prohibits torture, and the Government denied the use of torture; however, some members of the security forces tortured or otherwise abused detainees. The penal code in force during the year stipulates sentences up to life imprisonment for public servants who use or oblige the use of violence against others in the exercise of their official duties. By law, pretrial investigating judges must, if asked to do so or if they themselves notice physical marks that so warrant, refer the detained person to an expert in forensic medicine. However, according to human rights groups, judges often ignored this requirement in practice, which called into question the Government's commitment to resolving the problem.

On December 28, the Government announced a new draft law to criminalize torture, to include severe physical and mental pain and suffering. If approved, the new law would define torture in accordance with the International Convention Against Torture. It also proposes civil penalties and fines for those who encourage, accept, or hide such incidents. Under the proposed law, anyone convicted of torture would face 5 to 30 years in prison, and a fine of \$1,100 to \$3,300 (10,000 to 30,000 dirhams).

In October, HRW reported that lawyers and family members of prisoners claimed interrogators had subjected prisoners to physical and mental abuse in order to extract confessions or oblige prisoners to sign statements they had not made.

Attorneys for some persons who were convicted under the 2003 antiterrorism law claimed their clients were convicted on the basis of confessions coerced by torture. Some attorneys claimed that almost all of the suspects, accused in the May 2003 attacks, were convicted on the basis of signed confessions taken on police premises, sometimes following torture. There was no indication that the Government took any further action in response to claims of torture, made at the Court of Appeal in Fez, by 29 persons accused of terrorism, and reportedly judicial authorities refused to order any medical examinations.

In June, AI published a report that accused security authorities of systematic torture and ill treatment of suspects held at the Temara detention center. AI noted a sharp rise over the past 2 years in such cases in the context of "counter terrorism" measures as well as the failure of government authorities to investigate these reports. As of June 3, according to the Government, 1,748 persons had been charged with terrorism since May 2003, including 315 cases still under investigation, 199 cases still ongoing before the district court or the court of appeals, and 1,234 cases in which sentence had been pronounced. The Government pledged to investigate each of the alleged cases in the AI report.

On March 7, the Minister of Human Rights, Mohamed Oujjar, stated that a body composed of officials from the Ministries of Human Rights, Justice, and the Interior were investigating reports that persons detained in connection with the May 2003

Casablanca explosions had been subjected to torture and human rights violations.

AI and other human rights organizations reported torture and ill treatment during initial interrogations of prisoners, including beatings, electric shocks, and sexual abuse. Former detainees reported that they were held in secret detention and denied contact with lawyers or family. The AI report also documented accusations of arbitrary detention and forced confessions of detained terrorism suspects.

Prison conditions remained extremely poor, and generally did not meet international standards, despite some improvements in medical care and efforts to expand capacity. Extreme overcrowding, malnutrition, and lack of hygiene continued to aggravate the poor health conditions inside prisons. There were separate facilities for men, women, and minors. Pretrial detainees were not held separately from convicts.

In July, the Commission of the Royal Advisory Council on Human Rights (CCDH) issued its first annual report, which mainly addressed prison overpopulation and poor prison conditions.

In a speech following release of the report, Minister of Justice Mohamed Bouzoubaa said that prison overcrowding was a major concern and that many detentions were unnecessary. Bouzoubaa said that his ministry was considering alternatives to prison sentences.

In September, the NGO Moroccan Prison Observatory (OMP) reported that the population in the country's 46 prisons, which were designed to hold 39,000, had reached 54,542 prisoners. However, including detentions and subsequent releases and pardons, a total of 82,537 persons spent time in prison during the year. The OMP reported that food, hygiene, and medical conditions were grossly inadequate, with a daily budget of only 70 cents (6 dirhams) per prisoner.

The OMP continued to call attention to problems of corruption, maltreatment, malnutrition, sexual abuse, lack of training and education, drug abuse, and violence within the prisons, as well as the issue of incarcerating first-time offenders with hardened criminals. The Government permitted some OMP monitors to visit prisons.

d. Arbitrary Arrest or Detention

The Constitution does not prohibit arbitrary arrest or detention, and police continued to use these practices.

Although legal provisions for due process were revised extensively in recent years, reports indicated that authorities sometimes ignored them. Although police usually made arrests in public and during the day, they did not always identify themselves, and did not always obtain warrants.

Under the antiterrorism law, administrative detention has increased from 48 to 96 hours, with two additional 96 hour extensions allowed at the prosecutor's discretion. Some defendants were denied access to counsel or family members during this initial period, which is when the accused is interrogated, and abuse or torture is most likely to occur.

Some members of the security forces, long accustomed to indefinite access to detainees before charging them, continued to extend the time limits. In November 2003, AI reported that some of those arrested had been held incommunicado for up to 5½ months. A large increase in detainees and prisoners led to an increase in allegations of incommunicado detentions that were difficult to confirm. In 2003, the Government announced that several thousand persons had been detained for links with terrorist groups, including involvement in the May 16 suicide attacks. Human rights activists and local attorneys estimated the number of detainees to be more than 4,000.

The police were required to notify a person's next of kin of an arrest as soon as possible; however, lawyers were not always informed promptly of the date of arrest, and thus were not able to monitor compliance with the administrative detention limits.

The law provides for a limited system of bail; however, it rarely was granted. The law does not require a written release to be issued for a person to be released from detention. In some instances, defendants were released on their own recognizance. Under a separate military code, military authorities may detain members of the military without warrants or public trial.

Although accused persons generally are brought to trial within an initial period of 2 months, prosecutors may request up to five additional 2-month extensions of pretrial detention. Thus, an accused person may be kept in detention for up to 1 year prior to trial.

The National Police (55,000 personnel) and the Mobile Intervention Corps (5,000 personnel) are part of the Ministry of the Interior. The National Police contains the border and immigration services, which have responsibility for matters concerning the frontiers and immigration laws, and also contains the main federal investigative body, the National Brigade, which is responsible for investigating violations of the federal penal code, such as terrorism, organized crime, and white-collar crime. The DST (8,500 personnel) part of the Ministry of Interior, has security functions, and the Auxiliary Forces (25,000 personnel) are also part of the Ministry of Interior. The Royal Gendarmerie (29,000 personnel) is a paramilitary force reporting to the Ministry of Defense and is responsible for law enforcement in rural regions, including national highways.

Police impunity remained a problem. Bribery and smuggling were prevalent. During the year, the Government acted against smuggling rings and police corruption in Sale and in the northern regions of the country.

On May 3, the Moroccan Association for Human Rights (AMDH) reported that Hassan Essidiq was arrested on April 26 upon his arrival at Mohamed V Airport. According to his family, Essidiq was taken to a police station and later moved to an unknown destination. His whereabouts remained unknown at the end of the year.

According to the NGO Reporters Without Borders, on December 13, journalist Mohamed Bouhcini was jailed after being accused by a convicted drug trafficker that Bouhcini had delivered hashish to him during Bouhcini's research trip to the Rif Mountains. Bouhcini has reportedly been jailed in the same prison as his accuser, and no complaint was filed against him by year's end.

On March 9, the AMDH reported that several Islamist prisoners, adherents of the Salafia Jihadia, were living in isolation, deprived of medical care and decent food, and not allowed private visits with relatives in the Kenitra jail. Relatives, holding a protest on March 8 outside of the jail, were forcibly dispersed and removed by police (see Section 2.b.). There was no official government action or investigation by year's end.

Several attorneys, representing defendants who were arrested under the antiterrorism law, charged that authorities falsified arrest records to cover up periods of detention that exceeded the legal requirement. Many of the defendants attempted to recant the confessions in court, saying that they had not read them. Most defendants did not have access to counsel until shortly before trial, and the detainees usually did not know the contents of the alleged confessions until they were introduced as evidence in court. Judges uniformly dismissed motions to recant confessions and often did not allow evidence and witnesses for the defense.

The law provides for the right to a fair trial; however, some human rights groups criticized the conduct of trials, which proceeded very quickly for some defendants, including mass trials of 50 persons. According to law, all defendants have the right to be represented by attorneys and, if a defendant could not afford private counsel, a court-appointed attorney was to be provided.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the courts were subject to extrajudicial pressures, including government influence. Some members of the judiciary were corrupt. Efforts continued with very limited success to increase efficiency and to end corruption, which, according to most observers, remained a routine cost of court business.

In a July report, Transparency Morocco described bribery of officials, including the judiciary, as a grave impediment to humane progress. In August, the Supreme Council of the Judiciary initiated disciplinary proceedings against 14 judges and eventually dismissed 2 of them and retired 4 more judges (see Section 3). Delays were lengthy in some court cases.

There are four levels in the common law court system: communal and district courts; courts of first instance; the appeals court; and the Supreme Court. All decisions made in criminal and civil matters in which the penalty exceeds \$33.00 (300 dirhams) may be appealed to the courts of first instance (regional courts). The regional courts are subdivided into rabbinical, civil, commercial, administrative, and penal sections. Cases may be appealed from the regional courts to the appeals court.

The highest court is the Supreme Court, which is subdivided into five chambers: constitutional, penal, administrative, social, and civil. The constitutional chamber is composed of the First President of the Supreme Court, three judges appointed by the king, and three judges appointed by the president of the Chamber of Representatives.

In theory, there is a single court system under the Ministry of Justice; however, other courts also operated including administrative courts, commercial courts, and the military tribunal. In January, the Council of Ministers approved a draft law dismantling the Special Court of Justice and transferring trials of government officials to the Appeals Courts. The Special Court of Justice, begun in 1972 to sanction government officials involved in bribery and other abuses of power, was widely perceived as lenient and discriminatory. At the Government's discretion, serious state security cases such as those relating to the monarchy, Islam, or territorial integrity (advocating independence for the Western Sahara) may be brought before a specially constituted military tribunal, responsible to the military and the Ministry of Interior.

In October 2003, the Minister of Justice established family courts to adjudicate divorce and child custody cases in anticipation of proposed reforms to the Moudawana (personal status code). These courts addressed family issues for Muslim citizens, and the judges were trained in Shari'a (Islamic law) as applied in the country. By February, 160 judges had completed training in the reforms of the personal status code, and the Government reported that 20 family courts were operational. Plans called for the establishment of 70 family courts with 1 for each province. Jewish citizens dealt with family matters in their own courts.

In general, detainees were arraigned before a court of first instance. If the judge determined that a confession was obtained under duress, the law requires him to exclude it from evidence. However, human rights activists alleged that cases often were adjudicated on the basis of forced confessions, especially in cases of Islamists accused of terrorism (see Section 1.c.).

While appeals court may in some cases be used as a second reference for courts of first instance, they primarily handled cases involving crimes punishable by 5 years or more in prison. In practice, defendants before appeals courts who are implicated in such crimes consequently have no method of appeal. The Supreme Court does not review and rule on cases sent to it by the appeals court; the Supreme Court may overturn an appellate court's ruling on procedural grounds only. Therefore, the absence of appeals for defendants in such crimes were more problematic given the fact that an investigation into the case, by an examining magistrate, was mandatory only in those crimes punishable by sentences of life imprisonment or death.

Resource constraints also affected the court system. Although the law provides for the Ministry of Justice to provide an attorney at public expense for serious crimes (when the offense carries a maximum sentence of more than 5 years), attorneys were not always appointed, were poorly paid, and often were provided inadequate representation. In addition, there were reports that judges sometimes denied defense requests to question witnesses.

The law does not distinguish political and security cases from common criminal cases. The Government did not consider any of its prisoners to be political prisoners; however, AI identified 60 persons whom it considered to be political prisoners. In January, King Mohammed VI pardoned 33 persons who were identified as the last 33 remaining political prisoners. However, Mohamed Abadi, member of the leadership committee of the Justice and Charity Organization (JCO), remained imprisoned and the group's spiritual leader, Cheik Abdessalam Yassine, remained under round-the-clock police surveillance.

Various international human rights groups' estimates of the number of persons in prison for advocating independence for the Western Sahara was as high as 700; however, there was no consensus on a definitive number. Conditions in the Western Sahara complicated attempts to confirm whether Sahrawis were imprisoned solely for their political affiliation, for open advocacy of independence, or for other actions in violation of the law.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution states that the home is inviolable and that no search or investigation may take place without a search warrant; however, authorities sometimes ignored these provisions. The law stipulates that a prosecutor may issue a search warrant on good cause, particularly in cases of terrorism. There were reports that plainclothes security officers, who did not identify themselves or present search warrants, conducted home searches.

Government security services monitored certain persons and organizations, both foreign and domestic, and government informers monitored activities on university campuses.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression; however, the antiterrorist law and the press code permit prison sentences and financial penalties for journalists and publishers who violate the restrictions on defamation, libel, and discussion of the monarchy, territorial integrity (advocating independence for the Western Sahara), and Islam. The press code lists threats to public order as one of the criteria for the censor to consider. Within these limits, newspapers and weeklies were published across the political spectrum and were sometimes critical of government policies.

In January, parliament members of the Socialist Union of Popular Forces Party (USFP) proposed amending the press code to remove prison penalties for violations of the law's restrictions. However, during the year, there was no action to change the law.

The Government generally controlled the media through directives and guidance from the Ministry of Interior, subsidies, and advertising allocation. Publications that were judged offensive could be confiscated or indefinitely suspended. The Government may censor newspapers directly by ordering them not to report on specific items or events. The Government registered and licensed domestic newspapers and journals, and could use the licensing process to prevent the publication of materials that exceeded its threshold of tolerable dissent. The Ministry of Interior controlled foreign publications by removing banned publications from circulation.

In January, journalist Narjis Erraghay was fined 11 cents (1 dirham) for charges of defamation brought against her for a 1999 article she wrote for the Al Bayanne newspaper in which she named Minister Mahmoud Archane as a torturer during the years that he worked at the Commissariat at Derb Moulay Cherif in Casablanca. Erraghay appealed and the case was still pending at the end of the year.

On January 7, King Mohammed VI pardoned 33 political prisoners including 7 journalists. Among the journalists was Ali Lmrabet who had been sentenced in May 2003, under the press code, to 4 years imprisonment, later reduced to 3 years on appeal, and fined \$2,000 (20,000 dirhams) for disrespect to the King, disparaging the Monarchy, and challenging the country's territorial integrity. However, Lmrabet's newspapers, the French-language Demain and the Arabic-language Doumain, remained banned under the provisions of the press code.

Also among the pardoned were Mustapha Alaoui, Abdel Majid Ben Taher, Mustapha Kechnini, Mohamed Al Herd, Abdelaziz

Jallouli, and Miloud Boutrigui. All had been convicted in 2003 of offenses related to the government's handling of the May 16 terrorist attacks.

In May, two Norwegian journalists were deported from the country after attempting to contact Sahrawi dissident Mohamed Daddach and others located in Western Sahara. The Government contended that the journalists had falsely stated the pretext for their visit to the country.

On June 23, Rabat police assaulted journalist Rachid Nini and numerous demonstrators during a sit-in of unemployed university graduates outside the Rabat railway station (see Section 2.b.).

On December 9, the police assaulted journalist Lacen Aouad during a march on the Parliament by unemployed high school graduates. Aouad was reportedly beaten for photographing police beatings of demonstrators (see Section 2.b.).

The law requires the Ministry of the Interior to justify to the courts any seizure or banning of domestic or foreign publications, suspension of the publisher's license, or destruction of equipment. The law provides for 3 to 5-year jail sentences, fines, and payment of damages for newspaper officials found guilty of libeling public officials.

There were approximately 2,000 domestic and foreign newspapers, magazines, and journals in circulation during the year. The Government owned the official press agency, Maghreb Arab Press, and the Arabic daily newspaper, Al-Anbaa. The Government also supported two semiofficial dailies, the French-language Le Matin and the Arabic-language Assahra Al Maghribia. In addition, the Government subsidized the press through price controls for newsprint and office space. The Government generally tolerated satirical and often stinging editorials in the opposition parties' dailies. The media continued to engage regularly in self-censorship to avoid possible sanctions.

The Government owned Moroccan Radio-Television. Another major broadcaster was the French-backed Medi-1, which operated from Tangier. While nominally private and independent, Medi-1 practiced self-censorship, as did other media outlets. A government-appointed committee monitored broadcasts. The Government owned the only television stations whose broadcasts could be received in most parts of the nation without decoders or satellite dish antennas. Satellite dish antennas were in wide use throughout the country. The Government did not impede the reception of foreign broadcasts during the year.

During the year, the Government continued to block the distribution on newsstands of the JCO newspaper, Rissalat Al Foutuwa; however, the newspaper was available on university campuses.

The press also published unflattering and critical articles that would have been censored previously. The press reported on topics such as government corruption and financial scandals, sensitive human rights cases, harsh prison conditions, torture, poverty, prostitution, violence against women, exploitation of child maids, and sexual abuse of children. There were also articles critical of the country's diplomatic efforts on Western Sahara, and at least one interview with a person who espoused views on the Western Sahara conflict contrary to those of the Government.

Books that openly criticized the country's past sold freely except for several that related to disappearances and the regime of King Hassan II. Many other books written by political prisoners were on sale in local bookstores.

The Government generally did not block Internet access; however, it continued to block the JCO website.

The Government restricted academic freedom. There was no open debate on the Monarchy, Islam, or the country's incorporation of the Western Sahara; however, there was considerable criticism of the Government's handling of the Western Sahara dispute. Government informers monitored campus activities, mostly Islamist, and the Ministry of Interior approved the appointments of rectors.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and during the year, most meetings and marches took place peacefully without government interference; however, the law also permits the Government to suppress peaceful demonstrations and mass gatherings, and at times the police forcibly prevented and disrupted gatherings. Most conferences and demonstrations required the prior authorization of the Ministry of Interior, ostensibly for security reasons. However, local observers generally agreed that authorities required a declaration of a public meeting and their own authorization in order for public-venue meetings or peaceful sit-ins to proceed, and authorities only allowed such events to take place if they were considered non-threatening to government policy. Throughout the year, the Government broke up a number of peaceful demonstrations on topics ranging from the Iraq War to domestic issues.

On January 3, police raided the law faculty at Moulay Ismail University in Meknes in search of students belonging to the leftist Stage by Stage movement at the university. Police reportedly detained a number of students and injured others. The university expelled 12 students belonging to the movement.

On January 20, authorities denied permission for a sit-in at the French Consulate in Rabat, in which female activists of the PJD

were planning to protest a French law banning the wearing of the Islamic headscarf and other religious symbols in schools and public places.

On January 28, police forcibly broke up a sit-in of approximately 30 persons, including well-known artists, doctors, and human rights activists, outside the Parliament. The demonstrators were protesting provisions of a free trade agreement that would regulate importation of generic drugs.

On February 3, police violently broke up a demonstration by fishermen outside the Ministry of Maritime Fisheries. The fishermen were demanding removal of fishing quotas. According to news reports, police injured dozens of fishermen.

Also on February 3, police forcibly broke up a demonstration by unemployed persons near the Rabat train station and injured several persons.

On March 8, police forcibly dispersed a protest demonstration by relatives of jailed Islamist prisoners outside the Kenitra jail. Police reportedly escorted the demonstrators to the bus station and commandeered buses to escort them away (see Section 1.d.).

On June 23, police assaulted a journalist and numerous demonstrators during a sit-in of unemployed university graduates outside the Rabat railway station (see Section 2.a.).

On August 22, police in Zakoura forcibly broke up a sit-in outside the municipal building by unemployed university graduates and their families that began on July 5.

In November, the Moroccan authorities broke up a demonstration of unemployed persons with disabilities in Rabat.

On December 9, Rabat police beat demonstrators and journalist during a march on the Parliament by unemployed high school students (see Section 2.a.).

The Constitution provides for freedom of association; however, the Government limited this right in practice. Under a decree restricting civil society organizations, persons who wish to create an organization are required to obtain the approval of the Ministry of Interior before holding meetings. In practice, the Ministry generally only used this requirement to prevent persons suspected of advocating causes opposed by the Government from forming legal organizations. Historically, extreme Islamist and leftist groups encountered the greatest difficulty in obtaining official approval. Although there were numerous active Islamist groups, the Government prohibited membership only in the JCO due to its anti-Monarchist orientation. However, the Government tolerated some JCO activities, such as meetings and conferences. The Ministry of Interior, which has used this power to control participation in the political process, also must approve political parties. However, individual Islamists were not barred from participating in recognized political parties.

The Government circulated a draft law on political parties that is designed to limit the proliferation of political parties, currently 36, by requiring parties to hold a national congress each year. Public funding of parties would be based on the number of members confirmed at the congress and by numbers represented in the Parliament. If approved, the law would increase transparency of private donations to the parties, allow authorities to disband political parties for 30 days during a national emergency, and authorities could prohibit party meetings or activities. Members of Parliament and established political parties were provided with drafts of the law; however, it was not submitted to the Parliament by the end of the year.

Prior to the September 2002 parliamentary elections, the Government decreed that any existing political party that had not participated in at least two elections would be dissolved and that public aid would not be granted to any party that did not hold a congress every 4 years. To create a new party, a declaration must be submitted to the Ministry of Interior and signed by at least 1,000 co-founding members from all regions of the country.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice, with some restrictions. The Constitution provides that Islam is the official state religion; however, non-Muslim communities openly practiced their faith. The Constitution characterizes the country as an Islamic state, and designates the King as Commander of the Faithful.

Jewish and Christian communities openly practiced their faiths; however, the Government placed certain restrictions on Christian religious materials and proselytizing, and tolerated several small religious minorities with varying degrees of official restrictions.

The Government did not license or approve religions or religious organizations. The Government provided tax benefits, land, building grants, subsidies, and customs exemptions for imports necessary for the observance of the major religions.

Beginning in June 2003, several preachers and religious counselors were accused of exploiting mosques for political purposes,

such as promoting Islamist parties. During the year, the Ministry of Islamic Affairs and Endowments took charge of and monitored the activities of mosques, placed other restrictions on Muslims and Islamic organizations whose activities were deemed to have exceeded the bounds of religious practice or become political in nature, and began to provide religious training for imams. The Government strictly controlled the construction of new mosques; persons wanting to build a new mosque had to obtain permission. Authorities said that all of these measures were put in place in order to avoid exploitation of mosques for political propaganda, such as distributing pamphlets and raising funds.

The Ministry of Islamic Affairs monitored Friday mosque sermons and the Koranic schools to ensure the teaching of approved doctrine. At times, the authorities suppressed the activities of Islamists, but generally tolerated activities limited to the propagation of Islam, education, and charity. Security forces sometimes closed mosques to the public shortly after Friday services to prevent the use of the premises for unauthorized political activity.

The Government barred the Islamic JCO as a political party and subjected prominent members to constant surveillance and, at times, refused to issue passports to them. The Government continued to block JCO websites and publication of newspapers (see Sections 1.f., 2.a., 2.b., and 3).

The Government provided funds for the teaching of Islam in public schools. The annual budget also provided funds for religious instruction to the small parallel system of Jewish public schools. Representatives of the Jewish minority generally lived throughout the country in safety; however, in September 2003, a Jewish merchant was murdered in a religiously motivated killing. Authorities arrested three persons for the crime.

During the May 2003 terrorist attacks, members of the Salafiya Jihadia targeted a Jewish community center in Casablanca. After the attacks, Muslims marched in solidarity with Jews to condemn terrorism. Annual Jewish commemorations normally took place in the country, and Jewish pilgrims from the region regularly came to holy sites in the country. The International Committee of the Red Cross (ICRC) assisted the Government in designing a course on tolerance and international humanitarian law, which was introduced in schools.

The small foreign Christian community operated churches, orphanages, hospitals, and schools without any restriction or licensing requirement. Missionaries, who conducted themselves in accordance with cultural norms, were largely left unhindered. However, those who proselytized publicly faced expulsion. Islamic law and tradition called for punishment of any Muslim who converted to another faith. Any attempt to induce a Muslim to convert was illegal.

The Government permitted the display and sale of Bibles in French, English, and Spanish, but not in Arabic. The Government continued to refuse licenses for the importation and sale of Bibles in Arabic, despite the absence of any law banning such books. Nevertheless, Arabic Bibles were sold in local bookstores. During the year, there were reports of police questioning foreign missionaries because they were carrying Christian materials.

There are two sets of laws and courts--one for Muslims and one for Jews--pertaining to marriage, inheritance, and family matters. The family law courts are administered, depending on the law that applies, by rabbinical or Islamic authorities who are also court officials. Under the new family law, which applies to Muslims, judges were being retrained and new civil judges were being recruited. Rabbinical authorities continued to administer family courts for Jews. There were no separate family courts for other religious groups. The Government continued to encourage tolerance and respect among religions.

In 2002, the Shiite organization Al Ghadir asked for official status, the first such request for a Shiite association. No response was received from the authorities by year's end.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, Repatriation, and Exile

The Constitution provides for freedom of movement; however, the Government restricted this right in certain areas. In the government-administered Western Sahara, authorities restricted movement in areas regarded as militarily sensitive.

The Ministry of Interior restricted freedom to travel outside the country in certain circumstances. In addition, all civil servants and military personnel must obtain written permission from their ministries to leave the country. The OMDH and AMDH compiled lists of individuals who reportedly were denied passports or who had passports but were denied permission to travel. The OMDH contended that the Government, in resorting to arbitrary administrative delays, continued to harass former political prisoners who sought to resume normal lives.

The law provides for forced exile; however, there were no known instances of its use during the year.

The Government welcomed voluntary repatriation of Jews who had emigrated. Jewish emigres, including those with Israeli citizenship, freely visited the country. The Government also encouraged the return of Sahrawis who departed the country due to the conflict in the Western Sahara, provided that they recognized the Government's claim to the territory. The Government did not permit Western Saharan nationalists who were released from prison to live in the disputed territory.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In November 2003, the Government adopted the Law on Emigration and Immigration that provides for the rights of asylum seekers and the temporary residency of persons who do not qualify for refugee status or asylum. The U.N. High Commissioner for Refugees (UNHCR) is currently the sole agency in the country entitled to grant refugee status and verify asylum cases. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees.

In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution, and has provided refugee status and asylum; however, there were reports that persons with possible claims to refugee status were turned away at the country's borders.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for periodic, free elections on the basis of universal suffrage; however, citizens did not have the full right to change their government. The King, as head of state, appoints the Prime Minister, who is the titular head of government. The Constitution authorizes the Prime Minister to nominate all government ministers, but the King may nominate ministers himself and has the power to replace any minister at will. The Parliament has the theoretical ability to change the system of government; however, the Constitution may not be changed without the King's approval. The Ministry of Interior appoints the provincial governors (walis) and local district administrative officials (caids). However, the King also may nominate provincial governors. Municipal and regional councils are elected. The Government consists of 35 cabinet-level posts, including 5 sovereign ministerial posts traditionally appointed by the King (Interior, Foreign Affairs, Justice, Islamic Affairs, and Defense).

In September 2003, there were elections for positions on approximately 25,000 municipal councils. Official turnout was listed at 54 percent. By most accounts, the balloting was well organized; however, there were allegations of corruption and vote buying in some of the races. The Government limited the participation of the PJD. It was the only Islamist party that participated in the elections; however, it ran candidates in 18 percent of the municipalities. Female candidates won 1.7 percent of municipal council seats while fielding 5 percent of the candidates. Following the elections, council members elected new mayors in all cities.

In September 2002, the first free and fair parliamentary elections in the country's history were held. According to observers, the absence of fraud and manipulation generally enhanced the credibility of reform efforts. The election took place under a revised electoral code, including a proportional list system, plus a national list of 30 seats reserved for women. Twenty-six parties ran candidates and, according to government statistics, 52 percent of those eligible voted.

The Parliament included 30 women who gained seats reserved for women on the national list, plus 5 who won seats in their local districts. There were three female members of the upper house. Several proposed parties were not allowed to form during the year. The JCO never has been granted legal status as a political party (see Section 2.b.).

In its July report, Transparency Morocco described bribery of officials, including the judiciary, as a grave impediment to human progress. The report claimed that bribery was increasing, and that senior officials lacked the will to combat it. Some human rights activists said that authorities made scapegoats of a few prominent cases. In August, the Supreme Council of the Judiciary initiated disciplinary proceedings against a number of judges (see Section 1.e.).

The country has no freedom of information law. The Government publishes new laws and regulations in the official Gazette within 30 days after their passage or promulgation.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government cooperated with and was generally responsive to local human rights monitors operating within the accepted boundaries of political discourse in the country. National human rights NGOs recognized by and cooperating with the Government included: the OMDH; the Moroccan League for the Defense of Human Rights (LMDDH); and the AMDH. The AMDH did not cooperate officially with the Government, but usually shared information. Some AMDH activists were arrested at a demonstration of unemployed college graduates. The Government, at times, harassed and restricted the activities of the AMDH and OMDH; however, during the year, some former OMDH leaders occupied high-level posts in the Government. Since 2000, OMDH and LMDDH have had government subsidies in recognition of their serving the public interest. There were also numerous regional human rights organizations.

The FVJ and the OMP were two additional prominent national human rights NGOs included. Created by victims of forced disappearance and surviving family members, the FVJ's principal goal was to encourage the Government to address openly the issue of past forced disappearances and arbitrary detention. The OMP's main purpose was improving the treatment and living conditions of prisoners. These groups maintained fairly regular contact with government authorities throughout the year.

In June 2003, authorities dissolved the Western Sahara branch of the FVJ on the charge that the organization had undertaken illegal activities that were likely to disturb public order and undermine the territorial integrity of the country. AI suggested FVJ activities were the peaceful expression of views on the issues of self-determination and human rights.

The Government's attitude toward international human rights organizations depended on the sensitivity of the areas of the NGO's concern. The Government generally was cooperative on disappearances and abuses by security forces. Although government officials met in June 2002 with the International Council for the Rehabilitation of Victims of Torture (a Danish NGO), the Government did not agree to its recommendation to permit the U.N. Committee Against Torture to make confidential investigations in the country and to consider individual complaints. There were no visits by the U.N. Committee during the year.

Human rights training, based on an agreement between AI and the Government for a 10-year human rights education program, continued. The Ministry of Human Rights, until it was abolished in June and its functions absorbed by the Ministry of Justice, and the Ministry of Education provided human rights education for teachers and, in cooperation with the ICRC, provided a curriculum for teaching international humanitarian law in schools. Increased human rights training was provided to prison officials, military officers, police, and medical personnel. The CCDH counseled the Palace on human rights issues, and was charged by the King to resolve cases related to persons who had disappeared.

In 2002, the CCDH was mandated to produce an annual report on the human rights situation in the country, and it delivered its first edition in July. The CCDH report dwelt at length with prison conditions and prison overpopulation. In December 2002, the King established a nonjudicial ombudsman whose aim was to consider citizen allegations of governmental injustices and thereby ensure respect for the rule of law and justice. Its annual report will be reviewed by the CCDH.

In January, the Equity and Reconciliation Commission (IER) began work. The authorities tasked the IER with making reparations for families of disappeared persons and other victims, restoring the dignity of victims, providing for their rehabilitation and medical care, and creating a thorough accounting of the events which led to human rights abuses and the circumstances of the crimes. The IER, which was headed by Driss Benzekri, a former political prisoner, had a 1-year mandate that was extended to March 30, 2005, due to the larger than expected number of petitions.

By August, the IER reported that it had received approximately 20,000 complaints. IER staff interviewed petitioners at the rate of 50 per day and prepared for public hearings on torture and disappearances. Staff also visited former prisons and met with victims in regions that were particularly victimized. The IER's activities were widely reported in the local press.

The IER public hearings started December 21, with six testimonies, and also were broadcast on two TV channels and a satellite TV channel. Members of the national and foreign press and NGOs were allowed to attend. Participants were given 20 minutes each to present their testimony. Under agreement with the IER, participants did not disclose the names of persons they considered responsible for violations. Around 200 victims, families of victims, and witnesses of violations were scheduled to participate in future hearings, throughout the country, over a period of 10 weeks.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race, sex, disability, language, or social status; however, traditional practice discriminated against women, particularly in rural areas. In January, both houses of Parliament unanimously approved a new law governing personal status with 110 amendments, after the Cabinet approved it without amendment in December 2003. The reforms to the "Moudawana" personal status code were designed to make the law more free of gender discrimination.

Women

The law does not specifically prohibit domestic violence against women, but the general prohibitions of the criminal code address such violence. Spousal abuse was common, but there were no reliable statistics regarding its extent. Spousal abuse was more frequent in rural than urban areas and among less-educated persons. Although a battered wife had the right to file a complaint with police, as a practical matter she would do so only if prepared to bring criminal charges. Physical abuse legally was grounds for divorce; however, for legal and societal reasons, few women reported abuse to authorities.

There was substantial progress in making the public aware of problems concerning women, children, persons with disabilities, and minorities. On July 15, the Ministry of Family set up toll free numbers for victims of domestic violence in 20 centers throughout the country. There was no information available on the effectiveness of this initiative by year's end.

The Criminal Code provides for severe punishment for men convicted of rape or sexual assault. The defendants in such cases bear the burden of proving their innocence. However, sexual assaults often go unreported because of the stigma attached to the loss of virginity. While not provided for by law, victim's families may offer rapists the opportunity to marry their victims in order to preserve the honor of the family. Spousal rape was not a crime.

The law is more lenient toward men with respect to crimes committed against their wives. Honor crimes, a euphemism that refers to violent assaults with intent to kill a woman for her perceived immodest or defiant behavior, remained extremely rare.

The law prohibits prostitution; however, it was prevalent, especially in urban centers. The Government did not prosecute women who were coerced into providing sexual services. Trafficking in persons was a problem (see Sections 5, Trafficking, and 6.c.).

There is no law against sexual harassment and there were no reliable statistics from which to report on the extent of the

problem.

The changes to the personal status code introduced a number of changes to the status of women. The new law increased the marriage age for women from 15 to 18 years, placed the family under the joint responsibility of both spouses, rescinded the wife's duty of obedience to her husband, eliminated the requirement of a marital tutor for women to marry, created divorce by mutual consent, and imposed limitations on the practice of polygamy. However, citizenship still passed through the father, and single mothers were heavily stigmatized.

The reforms were predicated on the establishment of 70 family courts and the training of judges to implement the reforms (see Section 1.e.). The new personal status code will rely much more heavily on the court system than the previous law. Under the reforms, time limits were established for the family courts to pronounce judgments; for example, 1 month for alimony cases and 6 months for divorces.

Under the criminal code, women generally were accorded the same treatment as men; however, the personal status code governs family and estate cases. Even in cases in which the law provides for equal status, cultural norms often prevented a woman from exercising her rights. For example, when a woman inherited property, male relatives could pressure her to relinquish her interest.

While many well-educated women pursued careers, few rose to the top echelons of their professions. Women constituted approximately 35 percent of the work force, with the majority in the industrial, service, and teaching sectors. The Government reported that the illiteracy rate for women was 62 percent in urban areas (82 percent in rural areas), compared with 41 percent for men (50 percent in rural areas). Women in rural areas were most affected by inequality. Women who earned secondary school diplomas had equal access to university education.

Many NGOs worked to advance women's rights and to promote women's issues. Among these were the Democratic Association of Moroccan Women, the Union for Women's Action, and the Moroccan Association for Women's Rights, all of which advocated enhanced political and civil rights. There were numerous NGOs that provided shelters for battered women, taught women basic hygiene, family planning, and childcare, and promoted literacy.

Children

The Government remained committed to the protection of children's welfare and attempted to do so within the limits of its budgetary resources. The law provides for compulsory education for children between the ages of 6 and 15, although the Government increasingly sought to enforce the law. There were 92.2 percent of children, ages 6 to 11, in primary school, and 97.6 percent of children, ages 4 to 5, were in pre-school and kindergarten. However, the dropout rate for middle and high school students was nearly 20 percent. A May report from the Secretariat for Literacy and Non-Formal Education estimated that as many as 1.5 million children, between the ages of 9 to 15, were not in school. As many as 600,000 children under the age of 15 were presumed to be working. However, over 140,000 were enrolled in government remedial and vocational education programs.

Many children worked in the informal and farming sectors due to the economic difficulties of their families. The Government had difficulty addressing the problem of child labor, except in organized labor markets (see Section 6.c. and 6.d.). Despite legislation, young girls were exploited as domestic servants on a large scale (see Section 5, Trafficking). NGO activists estimated that there were thousands of teenage prostitutes in urban centers. Their clientele consisted of both foreign tourists and citizens.

The practice of adoptive servitude, in which urban families employ young rural girls and use them as domestic servants in their homes, was widespread. Credible reports of physical and psychological abuse in such circumstances were widespread. Some orphanages have been charged as complicit in the practice. More often, parents of rural girls contracted their daughters to wealthy urban families and collected the salaries for their work as maids. Adoptive servitude was accepted socially, was unregulated by the Government, and only in recent years began to attract public criticism. The problem remained prevalent, although the National Observatory of Children's Rights has conducted, since 2000, a human rights awareness campaign regarding the plight of child maids.

The legal minimum age of employment was 15 years. The number of children working illegally as domestic servants was high: 45 percent of household employees were between the ages of 10 and 12 and 26 percent were under the age of 10, according to a 2001 joint study by the Moroccan League for the Protection of Children and UNICEF. The report denounced the poor treatment a number of the children received, such as being forced to work all day with no breaks. Many children worked either as domestic servants, artisan apprentices, or in some other capacity that kept them from attending school.

Another problem that drew attention during the year was the situation of unaccompanied repatriated children. Upon their return, generally from Spain, they were subjected to material difficulties and abuse on the streets, as well as abuse by border officials. The Government had limited capacity to deal with this problem (see Section 5, Trafficking). In December 2003, the Government signed an accord with Spain to repatriate unaccompanied minors. As part of the accord, Spain agreed to help the Government reunify children with their families or in halfway houses and to provide remedial education for the repatriated children.

Another problem facing abandoned children of both sexes was their lack of civil status. Civil status was necessary to obtain a

birth certificate, passport, or marriage license. If a father did not register his child, the child was without civil status and the benefits of citizenship. It was possible for an individual to self-register, but the process was long and cumbersome. While any child, regardless of parentage, may be registered within a month of birth, a court order was required if registration did not take place in that time. The new law provides that children born out of wedlock can carry the father's name.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country. The Immigration and Emigration Act of November 2003 specifically prohibits trafficking in persons and levies stiff fines and prison sentences against those, including government officials such as border patrol and immigration officers, involved in or who fail to prevent trafficking in persons. Under the penal code, perpetrators were prosecuted either for fraud, kidnapping, corruption of minors, or as persons who forced others into prostitution.

Trafficking in persons was a problem, but the Government fully complied with the minimum standards for the elimination of trafficking. In 2003, the Government created a bi-national commission on illegal migration and trafficking in persons with Spain, and began conducting joint patrols of the waters between the mainland and the Canary Islands.

During the year, the Government began the repatriation of an estimated 6,000 minors under an agreement concluded with Spain (see Section 5, Children).

Prostitution was prevalent, particularly in cities with large numbers of tourists, as well as near towns with large military installations. Prostitution of minors was a particular problem in the village of El Hajeb near Meknes, which attracted sex tourists from Europe and the Gulf states (see Section 5, Children).

Women were trafficked abroad, and internal trafficking was also a problem, particularly of women for sexual exploitation or of young girls for domestic service. To combat this problem, the Government amended the penal code in December 2003 to make sex tourism a crime. Other amendments increased the penalties for promoting child pornography and child prostitution and for employing underage children.

The Government did not provide direct funding to NGOs offering services to victims of trafficking; however, the Government provided in-kind support. The Government supported programs aimed at keeping children in school, improving education opportunities for rural girls, and expanding economic opportunities in high-risk areas.

The country was a transit point for trafficking and alien smuggling to Europe. Hundreds of citizens and foreigners, most from sub-Saharan Africa, drown annually attempting to cross the Strait of Gibraltar, or attempting to reach the Canary Islands from Western Sahara.

Persons with Disabilities

There are no laws to assist persons with disabilities. Specifically, the law does not mandate access to buildings for persons with disabilities. A high incidence of disabling disease, especially polio, has resulted in a correspondingly high number of persons with disabilities. The latest statistics from the Government estimated the number of persons with disabilities at 2.2 million, or 7 percent of the population. However, other estimates were as high as 3 million. While the Ministry of Social Affairs attempted to integrate persons with disabilities into society, in practice, integration largely was left to private charities. The annual budget for the ministerial department in charge of affairs concerning persons with disabilities was only .01 percent of the overall annual budget. Nonprofit special-education programs were priced beyond the reach of most families. Typically, their families supported persons with disabilities; some survived by begging.

National/Racial/Ethnic Minorities

The official language is Arabic; however, both French and Arabic were used in the news media and educational institutions. Science and technical courses were taught in French, thereby preventing the large, monolingual Arabic-speaking population from participation in such programs. Educational reforms in the past decade have emphasized the use of Arabic in secondary schools. However, failure to transform the university system similarly has led to the disqualification of many students from higher education in lucrative fields. The poor lacked the means to access additional instruction in French to supplement the few hours per week taught in public schools.

Approximately 60 percent of the population claim Berber heritage, including the Royal Family. Berber cultural groups contended that their traditions and language were being lost rapidly. A number of Berber associations claimed that the Government refused to register births for children with traditional Berber names, discouraged the public display of their language, limited the activities of their associations, and continued to "Arabize" the names of towns, villages, and geographic landmarks. Official media broadcasted in the Berber language for limited periods each day.

In September 2003, teaching of the Berber language began in 317 primary schools and in September another 961 schools began teaching Berber to first graders. The Government pledged to teach Berber in all public schools by 2008-09.

Section 6 Worker Rights

a. The Right of Association

The law permits workers to establish and join trade unions; however, the laws reportedly have not been implemented in some areas. Most union federations were allied with political parties, but unions were free from government interference. Approximately 600,000 of the country's 10 million workers were organized in 19 trade union federations. Five federations dominated the labor scene: The Moroccan Labor Union(UMT); the Democratic Labor Confederation(CDT); the General Workers Union of Morocco(UGTM); the Islamist-oriented National Labor Union of Morocco(UNTM); and a breakaway wing of the CDT, the Democratic Labor Federation (FDT). The UMT dominated the private sector, while the CDT and FDT dominated the public sector.

On June 8, the new labor code went into effect; however, the Government continued to rely on a tripartite process to reach accords on a reduction in the workweek from 48 to 44 hours, and a 10 percent increase in the minimum wage. Companies were forbidden from engaging in actions designed to undermine legitimate work stoppages.

Union officers were sometimes subject to government pressure. Union leadership did not always uphold the rights of members to select their own leaders. There was no case of the rank and file voting out its current leadership and replacing it with another; however, disaffected members of the CDT broke away in April 2003 to form their own labor federation, the FDT.

The new law specifically prohibits antiunion discrimination and incorporates elements of ILO Convention 87, but prohibits several categories of public employees the right to form unions. These include members of the armed forces, the police, and the judiciary. In the past, under the ostensible justification of separation for cause, employers had dismissed workers for union activities that were regarded as threatening to employer interests. The new law expressly prohibits companies from dismissing workers for participating in legitimate union organizing activities. The law also prescribes the Government's authority to intervene in strikes. Under the law, employers are no longer able to initiate criminal prosecutions against workers participating in strikes.

The courts have the authority to reinstate arbitrarily dismissed workers and are able to enforce rulings that compel employers to pay damages and back pay. Unions may sue to have labor laws enforced, and employers may sue unions when they believe that unions have overstepped their authority.

Unions belonged to regional labor organizations and maintained ties with international trade union secretariats. The UMT is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

Constitutional provisions imply the right to organize and bargain collectively; however, with the passage of the new law, these rights are statutorily mandated. Trade union federations competed among themselves to organize workers. Any group of eight workers may organize a union, and a worker may change union affiliation easily. A work site may contain several independent locals or locals affiliated with more than one labor federation. However, only unions able to show at least 35 percent of the workforce as members must be recognized as negotiating partners.

Collective bargaining has been a longstanding tradition in some parts of the economy, such as the industrial sector, and is becoming more prevalent in the service sector, including banking, health, and the civil service. The wages and conditions of employment of unionized workers generally were set in discussions between employer and worker representatives. However, employers set wages for the vast majority of workers unilaterally. Labor disputes have arisen in some cases as the result of employers failing to implement collective bargaining agreements and withholding wages.

The Constitution provides for the right to strike, but also prescribes that the conditions and ways of exercising such a right will be defined by subsequent law which, in fact, requires compulsory arbitration of disputes. The new law prohibits sit-ins and establishes the "right to work," calls for 10-day notice of a strike, and allows the hiring of replacement workers. The Government can intervene in strikes, and a strike cannot take place around issues covered in a collective contract for 1 year after the contract comes into force. The Government has the authority to break up demonstrations in public areas that do not have government authorization for strikes to be held, and to prevent the unauthorized occupancy of private space, such as a factory.

Unions may not prevent non-strikers from going to work and may not engage in sabotage. Any striking employee who prevents a replacement worker from getting to his job is subject to a 7-day suspension. A second offense within 1 year is punishable by a 15-day suspension.

Work stoppages normally were intended to advertise grievances and lasted 24 to 72 hours or less. Most strikes during the year were of short duration, usually 24 to 48 hours, involving the teachers' unions, Royal Air Maroc employees, bank officers, longshoremen, bus drivers, cab drivers, and health care professionals.

Employers wishing to dismiss workers are required by law to notify the provincial governor through the labor inspector's office. In cases in which the employer plans to replace dismissed workers, a government labor inspector provides replacements and

mediates the cases of workers who protest their dismissal.

In general, the Government ensured the observance of labor laws in larger companies and in the public sector. In the informal economy, such as in the family workshops that dominated the handicrafts sector, employers routinely ignored labor laws and regulations, and government inspectors lacked the resources to monitor violations effectively.

Unions resorted increasingly to litigation to resolve labor disputes. According to 2003 figures released by the Labor Department, inspectors helped resolve labor disputes affecting several hundred businesses and, by so doing, precluded 721 potential strikes. The Ministry of Labor's 496 inspectors served as investigators and conciliators in labor disputes. According to the Ministry of Employment, its inspectors were able to help resolve some potential strikes affecting businesses during the first 9 months of the year. It claimed that its staff, over the same period, helped to reinstate employees.

Unresolved issues in the social dialog remained concerning reforms to pension and retirement systems, regulating the right to strike, providing ample notice to management before a walkout, easing rules on dismissing or laying off workers, and reducing management use of temporary workers to circumvent provisions of the code that apply only to permanent employees.

In the Tangier Free Trade Zone, an export processing zone, the country's labor laws and practices fully apply to the 10,000 employees. The proportion of unionized workers in the export zone was comparable to the rest of the economy, approximately 6 percent.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5, Trafficking). In practice, the Government lacked the resources to inspect the many small workshops and private homes where the vast majority of such employment would occur. Forced labor persisted in the practice of adoptive servitude in households (see Section 5, Children).

d. Prohibition of Child Labor and Minimum Age for Employment

The minimum employment age was 15 years. The minimum age applied to all sectors and included apprenticed children and those in family businesses. The law prohibits children under 18 from being employed more than 10 hours per day, including a minimum of a 1-hour break, or in hazardous work or night work. Under the labor code, all employees are limited to a maximum 44-hour regularly scheduled workweek.

Noncompliance with child labor laws was common, particularly in agriculture where, according to a 2003 survey by the International Program on the Elimination of Child Labor (IPEC) and the Ministry of Employment, 84 percent of the country's 600,000 underage workers worked on family farms. In practice, children often were apprenticed before age 12, particularly in small, family-run workshops in the handicraft industry. Children, particularly rural girls, were employed as domestic servants in urban areas and usually received little or no payment. Children worked also in the informal sector in textile, carpet, and light manufacturing activities. Safety and health conditions, as well as wages in businesses that employ children often were substandard. The situation for children working in the textile sector remained troubling, and the Government maintained that the informal handicrafts sector was difficult to monitor.

Ministry of Employment inspectors were responsible for enforcing child labor regulations, which generally were observed in the industrialized, unionized sector of the economy. However, before the passage of the 2003 labor code, the inspectors were not authorized to monitor the conditions of domestic servants. Under both the new labor code and the penal code, it is illegal for children under age 15 to be employed. Labor inspectors and police were empowered to bring charges against employers of underage children and specify penalties. During the year, a few employers were fined for employing underage children.

Along with UNICEF and several domestic NGOs, the IPEC had several small, ongoing programs to provide child maids and other working children with rudimentary education, health care, and leisure activities. In January, IPEC received a \$2.0 million (18 million dirhams) grant from a foreign government to provide remedial education to several thousand rural children. On June 11, in connection with the ILO's "World Day Against Child Labor," the foreign government launched a \$3.0 million (27 million dirhams) child labor education initiative project, ADROS, designed to aid at least 7000 "apprentice artisans" and child maids.

e. Acceptable Conditions of Work

Neither the minimum wage for the industrialized sector nor the wage for agricultural workers provided a decent standard of living for a worker and family, even with government subsidies for food, diesel fuel, and public transportation. In many cases, several family members combined their income to support the family. Most workers in the industrial sector earned more than the minimum wage. They generally were paid between 13 and 16 months' salary, including bonuses, each year.

In keeping with the April 2003 tripartite accord, the Government raised the minimum wage for nonagricultural employees in the private sector by 5 percent increments in June and July, although analogous increases were scheduled to be delayed until January 2005 for workers in the textile, tourism, leather, and agro-food processing industries. With these two increments, the

minimum wage was approximately \$223.30 (2,010 dirhams) per month in the industrialized sector. It was approximately \$5.60 (50 dirhams) per day for agricultural workers; however, businesses in the informal sector, which accounted for 60 percent of the labor force, often ignored the minimum wage requirements.

The minimum wage was not enforced effectively in the informal and handicraft sectors. However, the government pay scale exceeded the minimum wage for workers at the lowest civil service grades. To increase employment opportunities, the Government allowed firms to hire recent graduates for a limited period through a subsidized internship program at less than the minimum wage. However, due to economic conditions, most were not offered full-time employment at the conclusion of their internships. According to the Government, the overall unemployment rate during the year was 10.8 percent, but some union leaders contended that a more accurate figure, including underemployment, was approximately 35 percent.

The law provides for a 44-hour maximum workweek, with no more than 10 hours worked in any single day, premium pay for overtime, paid public and annual holidays, and minimum conditions for health and safety, including a prohibition on night work for women and minors. These were not observed universally and were not enforced effectively by the Government in all sectors.

Occupational health and safety standards were rudimentary, except for the prohibition on the employment of women and children in certain dangerous occupations. The labor inspectors attempted to monitor working conditions and investigate accidents, but lacked sufficient resources. While workers, in principle, had the right to remove themselves from work situations that endangered health and safety without jeopardizing their continued employment, there were no reports of workers attempting to exercise this right.